∜S 44C/SDNY REV. 4/2014

Case 1:15-cv-04375-CM **Sylumetri Y^{EF}** Filed 06/05/15 Page 1 of 2

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civit docker sheet.

PLAINTIFFS

Valentin Vega Avila, Jorge Molina, and Gianluca Starace, on behalf of themselves and others similarly situated

DEFENDANTS
Da Silvano Corp., d/b/a Da Silvano Restauran and Silvano Marchett

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER D. Maimon Kirschenbaum, Joseph & Kirschenbaum LLP, 233 Broadway, 5th Floor, New York, NY 10279 (212) 688-5640

ATTORNEYS (IF KNOWN)

JUN 05 2015

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Plaintiffs were not properly compensated under the Fair Labor Standards Act. Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Notice Undge Previously Assigned If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _ & Case No. IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes NATURE OF SUIT (PLACE AN [x] IN ONE BOX ONLY) **ACTIONS UNDER STATUTES** PERSONAL INJURY
[] 367 HEALTHCARE/ CONTRACT PERSONAL INJURY FORFEITURE/PENALTY BANKRUPTCY OTHER STATUTES [] 375 FALSE CLAIMS [] 400 STATE PHARMACEUTICAL PERSONAL [] 625 DRUG RELATED INSURANCE [] 310 AIRPLANE 1 1422 APPEAL []110 [] 315 AIRPLANE PRODUCT LIABILITY INJURY/PRODUCT LIABILITY REAPPORTIONMENT [] 120 MARINE 28 USC 158 SEIZURE OF PROPERTY 1 1423 WITHDRAWAL MILLER ACT [] 365 PERSONAL INJURY 1130 21 USC 881 [] 320 ASSAULT, LIBEL & []140 NEGOTIABLE PRODUCT LIABILITY 28 USC 157] 430 BANKS & BANKING [] 690 OTHER [] 368 ASBESTOS PERSONAL INSTRUMENT SLANDER 450 COMMERCE RECOVERY OF []330 FEDERAL INJURY PRODUCT 460 DEPORTATION []150 OVERPAYMENT & **EMPLOYERS** LIABILITY PROPERTY RIGHTS [] 470 RACKETEER INFLU-ENFORCEMENT LIABILITY **ENCED & CORRUPT** ORGANIZATION ACT OF JUDGMENT [] 340 MARINE PERSONAL PROPERTY [] 820 COPYRIGHTS MEDICARE ACT [] 345 MARINE PRODUCT 830 PATENT (RICO) RECOVERY OF 370 OTHER FRAUD []840 TRADEMARK LIABILITY 1480 CONSUMER CREDIT 1 152 DEFAULTED [] 350 MOTOR VEHICLE []371 TRUTH IN LENDING [] 490 CABLE/SATELLITE TV [] 355 MOTOR VEHICLE STUDENT LOANS (EXCL VETERANS) PRODUCT LIABILITY SOCIAL SECURITY [] 850 SECURITIES/ RECOVERY OF COMMODITIES/ []153 [] 360 OTHER PERSONAL [] 380 OTHER PERSONAL LABOR OVERPAYMENT INJURY] 861 HIA (1395ff) **EXCHANGE** [] 362 PERSONAL INJURY OF VETERAN'S PROPERTY DAMAGE 1862 BLACK LUNG (923) MED MALPRACTICE BENEFITS [] 385 PROPERTY DAMAGE 710 FAIR LABOR] 863 DIWC/DIWW (405(g)) []160 STOCKHOLDERS PRODUCT LIABILITY STANDARDS ACT 864 SSID TITLE XVI [] 865 RSI (405(g)) 1720 LABOR/MGMT I 1890 OTHER STATUTORY SUITS OTHER PRISONER PETITIONS 11190 RELATIONS **ACTIONS** [] 463 ALIEN DETAINEE [] 510 MOTIONS TO [] 891 AGRICULTURAL ACTS CONTRACT [] 740 RAILWAY LABOR ACT CONTRACT **FEDERAL TAX SUITS** 1 1 195 [] 751 FAMILY MEDICAL VACATE SENTENCE PRODUCT **ACTIONS UNDER STATUTES** LÉAVE ACT (FMLA) LIABILITY [] 870 TAXES (U.S. Plaintiff or [] 893 ENVIRONMENTAL 28 USC 2255 [] 790 OTHER LABOR [] 530 HABEAS CORPUS [] 196 FRANCHISE **CIVIL RIGHTS** Defendant) **MATTERS** [] 871 IRS-THIRD PARTY [] 895 FREEDOM OF INFORMATION ACT [] 535 DEATH PENALTY LITIGATION [] 540 MANDAMUS & OTHER I 1791 EMPL RET INC 26 USC 7609 [] 440 OTHER CIVIL RIGHTS SECURITY ACT (ERISA) [] 896 ARBITRATION (Non-Prisoner) REAL PROPERTY [] 899 ADMINISTRATIVE [] 441 VOTING **IMMIGRATION** PROCEDURE ACT/REVIEW OR []210 []442 EMPLOYMENT []443 HOUSING/ PRISONER CIVIL RIGHTS APPEAL OF AGENCY DECISION CONDEMNATION []462 NATURALIZATION ACCOMMODATIONS
[] 445 AMERICANS WITH APPLICATION **FORECLOSURE**] 550 CIVIL RIGHTS []220 [] 950 CONSTITUTIONALITY OF RENT LEASE & [] 465 OTHER IMMIGRATION [] 230 555 PRISON CONDITION STATE STATUTES DISABILITIES -1 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT **EJECTMENT ACTIONS** TORTS TO LAND EMPLOYMENT AMERICANS WITH [] 240 1 1 4 4 6 TORT PRODUCT []245 **DISABILITIES -OTHER** LIABILITY [] 448 EDUCATION [1290 ALL OTHER REAL PROPERTY Check if demanded in complaint: DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

JUDGE

Check YES only if demanded in complaint JURY DEMAND: ☑ YES ☐NO

DEMAND \$_

OTHER

DOCKET NUMBER

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(PLACE AN x IN ONE BOX ONLY) ORIGIN					
X 1 Original Proceeding	2 Removed from State Court a. all parties represente	Remanded From Reopened Appellate Court		rred from 6 Multidistrict y District) Litigation	7 Appeal to District Judge from Magistrate Judge Judgment
	D. At least one party is pro se.				e.
(PLACE AN x IN ONE BOX ONLY) BASIS OF JURISDICTION IF DIVERSITY, INDICATE					
☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT 🗵 3 FEDERAL QUESTION ☐ 4 DIVERSITY CITIZENSHIP BELOW. (U.S. NOT A PARTY)					
CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)					
(Place an [X] in one box for Plaintiff and one box for Defendant)					
CITIZEN OF THIS STA	PTF DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY		ICORPORATED and PRINCIPAL F BUSINESS IN ANOTHER STA	
CITIZEN OF ANOTHE	R STATE []2 []2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]4[]4 F	OREIGN NATION	[]6 []6
PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)					
Valentin Vega Vila, Jorge Molina, and Gianluca Starace C/O Joseph & Kirschenbaum LLP 233 Broadway, 5th Floor New York, NY 10279					
DEFENDANT(S) Da Silvano C Silvano Marcl 260 Sixth Ave New York, N	hetto enue	COUNTY(IES)			
DEFENDANT(S) ADDRESS UNKNOWN REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:					
(DO	NOT check either box if t	D BE ASSIGNED TO: Vhis a PRISONER PETITION/PRISON	ER CIVIL RIGHTS		
DATE (15/2015	SIGNATURE OF ATT	ORNEY OF RECORD	ADMITT	ED TO PRACTICE IN THIS I	DISTRICT
RECEIPT#	fun	ORNEY OF RECORD	[x] YES Attorney	(DATE ADMITTED Mo. 10 Bar Code #	Yr. 2006
Magistrate Judge is to be designated by the Clerk White Council Counci					
Magistrate Judge is so Designated.					
Ruby J. Krajick, Clerk of Court by Deputy Clerk, DATED					
UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)					